

ORDINANCES INTRODUCED

44.71.16 AN ORDINANCE AMENDING ARTICLE I (REMOVAL OF GARBAGE) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PLACING REFUSE AT CURBSIDE

45.71.16 AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 2, 4, 6 GENESEE STREET (TAX MAP # 65.44-3-8, 65.44-3-6, 65.44-3-7) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO BLANCHE FALLEN.

RESOLUTIONS INTRODUCED

- 61.71.16R** **RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), REGARDING THE PROPOSED REZONING OF CERTAIN PROPERTY LOCATED AT 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY**
- 62.71.16R** **RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY**
- 63.71.16R** **RESOLUTION APPROVING THE INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES OFFICE OF FIRE PREVENTION AND CONTROL AND THE CITY OF ALBANY FIRE DEPARTMENT FOR TEMPORARY LOAN OF FIRE SUPPRESSION FOAM EQUIPMENT**
- 64.71.16R** **A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

Council Member Flynn introduced the following:

Ordinance Number 44.71.16

AN ORDINANCE AMENDING ARTICLE I (REMOVAL OF GARBAGE) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PLACING REFUSE AT CURBSIDE

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 313-5(B) of Article I of Chapter 313 is hereby amended as follows:

B. Refuse for collection ~~is to~~ must be placed at curbside prior to 12:01 a.m. on the scheduled collection day, but not before ~~7:00 p.m. or dusk, whichever first occurs,~~ 12 p.m. of the prior day.

Section 2. Section 313-7(D) of Article I of Chapter 313 is hereby amended as follows:

D. Health and safety violations put the general public at risk; therefore, no prior notice will be given, except for violations of Section 313-5(B). The Commissioner of General Services shall provide a written warning of a violation of Section 313-5(B) prior to the issuance of an appearance ticket.

Section 3. This ordinance shall take effect immediately.

Approved as to form this 24th day of June, 2016.

Corporation Counsel

TO: Nala Woodard, City Clerk

FROM: Jack Flynn, Council Member

DATE: June 24, 2016

TITLE: AN ORDINANCE AMENDING ARTICLE I (REMOVAL OF GARBAGE) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY

GENERAL PURPOSE OF LEGISLATION: The purpose of this legislation is to change the time that trash can be placed at curbside for collection and to provide for warnings instead of immediate fines.

NECESSITY FOR LEGISLATION: This ordinance is necessary to accommodate our residents that are unable to place their trash at the curb between the hours of 7 p.m. and midnight and are being fined for placing it there early. There are residents across the city that are unavailable after 7 p.m. as they may work second shift, they are elderly and do not go outside after dark, winter weather makes it difficult to place trash out after 7 p.m., or they are relying on someone else to take their trash out when they are away on vacation or they are ill. The current rules are laudable, but unrealistic for many.

FISCAL IM PACT: None.

Council Member offered the following :

Ordinance Number 45.71.16

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 2, 4, 6 GENESEE STREET (MAP #s 65.44-3-8, 65.44-3-7, 65.44-3-6, respectively) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO BLANCHE FALLEN.

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to 2, 4, 6 GENESEE STREET (MAP #s 65.44-3-8, 65.44-3-7, 65.44-3-6, respectively) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to Blanche Fallen.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. This ordinance shall take effect immediately.

Approved as to form this 24th day of June, 2016.

Corporation Counsel

To: Nala R. Woodard, City Clerk
From: Marisa Franchini, Deputy Corporation Counsel
Re: Request for Common Council Legislation Supporting Memorandum
Date: June 24, 2016

ORDINANCE NUMBER 45.71.16

TITLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 2, 4, 6 GENESEE STREET (MAP #s 65.44-3-8, 65.44-3-7, 65.44-3-6, respectively) IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO BLANCHE FALLEN.

GENERAL PURPOSE OF LEGISLATION

TO AUTHORIZE THE SALE OF VACANT RESIDENTIAL LAND KNOWN AS AND LOCATED AT 2, 4, 6 GENESEE STREET (MAP #s 65.44-3-8, 65.44-3-7, 65.44-3-6, respectively) TO BLANCH FALLON.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

CONVEYANCE OF MUNICIPAL PROPERTY REQUIRES LEGISLATIVE AUTHORIZATION.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

PROSPECTIVE PURCHASER SEEKS TO CLEAR AN OVERGROWTH OF BUSHES AND TREES AND PLAN TO UTILIZE AND MAINTAIN THE EMPTY LOT AS GREENSPACE ADJACENT TO HER BACKYARD. PROSPECTIVE PURCHASER

HAS NO PRESENT INTENT TO CONSOLIDATE 2, 4, 6 GENESEE STREET (TAX MAP #s 65.44-3-8, 65.44-3-7, 65.44-3-6, respectively) INTO A SINGLE PARCEL FOR INDEPENDENT DEVELOPMENT.

FISCAL IMPACT(S)

NONE KNOWN.

Council Member introduced the following:

Resolution Number 61.71.16R

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), REGARDING THE PROPOSED REZONING OF CERTAIN PROPERTY LOCATED AT 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY

WHEREAS, Ordinance 38.51.16 was introduced by the City of Albany Common Council on May 2, 2016 which proposed rezoning the property located at street numbers 160, 194 and 196 Myrtle Avenue, 201 and 217 Park Avenue from one-and-Two Family Row House Residential District (R-2C) to Multifamily Medium-Density Residential District (R-3B); and

WHEREAS, the action is preliminarily classified as an Unlisted action and is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning of the property located at street numbers 160, 194 and 196 Myrtle Avenue, 201 and 217 Park Avenue from one-and-Two Family Row House Residential District (R-2C) to Multifamily Medium-Density Residential District (R-3B); and hereby declares itself lead agency pursuant to and under SEQRA;

RESOLVED, that this resolution shall take effect immediately.

To: Nala R. Woodard, City Clerk
From: Marisa Franchini, First Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: June 24, 2016

RESOLUTION NUMBER 61.71.16R

TITLE

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), REGARDING THE PROPOSED REZONING OF CERTAIN PROPERTY LOCATED AT STREET NOS. 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B).

GENERAL PURPOSE OF LEGISLATION

To act as lead agency under SEQRA for the review of the proposed rezoning of the property located at street numbers 160, 194 and 196 Myrtle Avenue, 201 and 217 Park Avenue from one-and-Two Family Row House Residential District (R-2C) to Multifamily Medium-Density Residential District (R-3B).

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

As the agency determining whether a rezoning of the properties is appropriate, the Common Council should also be responsible for determining the environmental impact of the proposed action under SEQRA.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Council Member introduced the following:

Resolution Number 62.71.16R

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY

WHEREAS, Ordinance 38.51.16 was introduced by the City of Albany Common Council on May 2, 2016 which proposed rezoning the property located at 160, 194 and 196 Myrtle Avenue, 201 and 217 Park Avenue from one-and-Two Family Row House Residential District (R-2C) to Multifamily Medium-Density Residential District (R-3B); and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on July 7, 2016 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a short Environmental Assessment Form, in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on June 6, 2016 where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation Law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be an Unlisted action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the short Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Unlisted pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the rezoning of the property located at 160, 194 and 196 Myrtle Avenue, 201 and 217 Park Avenue from one-and-Two Family Row House Residential

District (R-2C) to Multifamily Medium-Density Residential District (R-3B); has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately.

To: Nala R. Woodard, City Clerk
From: Marisa Franchini, Deputy Corporation Counsel
Re: Request for Common Council Legislation Supporting Memorandum
Date: June 24, 2016

RESOLUTION NUMBER 62.71.16R

TITLE

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE CHANGING THE ZONING CLASSIFICATIONS OF 160, 194 & 196 MYRTLE AVENUE, 201 & 217 PARK AVENUE FROM ONE- AND TWO-FAMILY ROW HOUSE RESIDENTIAL DISTRICT (R-2C) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) AND AMENDING THE ZONING MAP ACCORDINGLY.

GENERAL PURPOSE OF LEGISLATION

Acting as Lead Agency and pursuant to SEQRA regulations the Council has not found any adverse environmental impacts related to the rezoning and the Council may issue a Negative Determination of Environmental Significance.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

These actions are required under SEQRA.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A

Council Member introduced the following:

RESOLUTION NUMBER 63.71.16R

RESOLUTION APPROVING THE INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES OFFICE OF FIRE PREVENTION AND CONTROL AND THE CITY OF ALBANY FIRE DEPARTMENT FOR TEMPORARY LOAN OF FIRE SUPPRESSION FOAM EQUIPMENT

WHEREAS, on January 28, 2014 Governor Andrew Cuomo issued Executive Order 125 directing State agencies to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, the State has formed the New York State Foam Task Force (Task Force), which is a state and local partnership, to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment is available at strategic locations throughout the State; and

WHEREAS, the City of Albany has received a quantity of foam trailers, equipment and supplies from the New York Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control, and has pre-positioned such equipment at strategic locations; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany acknowledges the receipt of said equipment to be used on a temporary basis and agrees to the terms of use and conditions as specified in the intergovernmental memorandum of Agreement that is attached hereto.

To: Nala Woodard, City Clerk
From: Marisa Franchini, First Assistant Corporation Counsel
Re: Request for Common Council Legislation Supporting Memorandum
Date: June 24, 2016

RESOLUTION NUMBER 63.71.16R

**TITLE: RESOLUTION APPROVING THE INTERGOVERNMENTAL
MEMORANDUM OF AGREEMENT BETWEEN THE NEW YORK STATE DIVISION
OF HOMELAND SECURITY AND EMERGENCY SERVICES OFFICE OF FIRE
PREVENTION AND CONTROL AND THE CITY OF ALBANY FIRE DEPARTMENT
FOR TEMPORARY LOAN OF FIRE SUPPRESSION FOAM EQUIPMENT**

GENERAL PURPOSE OF LEGISLATION: To approve and acknowledge the acceptance of a loan of fire suppression equipment from the State Department of Homeland Security.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: The State Department of Homeland Security has requested that the Council approve this agreement.

FISCAL IMPACT(S): unknown.

Council Member introduced the following:

RESOLUTION NUMBER 64.71.16R

A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project Madison Avenue Road Diet, North Allen St. to Partridge St. P.I.N. 1759.74 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal STP FLEX funds and 20 % non-federal funds; and 90 % Federal HSIP funds and 10 % non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/CI

NOW, THEREFORE, the Common Council duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/CI work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$102,000.00 has already been appropriated pursuant to Ordinance Numbers 26.41.11 and 15.41.14 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$538,500.00 be appropriated from the General Fund, account number GH 33108620 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and

permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

To: Nala R. Woodard, City Clerk
From: Marisa Franchini, Deputy Corporation Counsel
Re: Request for Common Council Legislation Supporting Memorandum
Date: June 24, 2016

RESOLUTION NUMBER 64.71.16R

TITLE

A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

GENERAL PURPOSE OF LEGISLATION

To approve the funding for the design and construction phase of the Madison Avenue Road Diet project.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The Common Council must approve this agreement regarding the Madison Avenue Road Diet supplemental to the City State Agreement. The master agreement was executed in 2015 at the beginning of the design phase. This agreement covers detailed design and construction of phase 1, Allen St to Partridge St. See attachment for further information.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A